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ORIGINAL

December 10, 2013

Roger Chantel  
10001 E. Hwy. 66  
Kingman, AZ 86401

To Docket Control and Employees of the Arizona Corporation Commission

I want all of you to understand that I am working very hard to prevent this action from going to the State Legislature requesting that this agency be shut down and the employees be terminated without severance pay and retirement benefits.

I have requested that an order be issued to the Administrative Staff to issue the enforcement order on file in with docket control No. E-01750A-09-0149.

The employees can help save their jobs by sending emails to the Governor, Attorney General, the Secretary of the State of Arizona and the Commissioners asking them to do what is needed to issue this enforcement order.

Please send a copy of your email Subject titled "LAW" to [rogerchantel@frontiernet.net](mailto:rogerchantel@frontiernet.net)

If this matter does move into the State Legislature's jurisdiction, your email will be submitted to them for the purpose of you being hired in the newly developed Arizona Corporation Commission.

You might want to send the same request to your area Legislative Representative.

Please share this with follow employees.

Respectfully submitted,

Roger Chantel

Arizona Corporation Commission

DOCKETED

DEC 13 2013

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1 Dustin Roger Chantel and  
2 Elizabeth Chantel  
3 10001 E. Hwy. 66  
4 Kingman, Az. 86401  
5 Telephone (928)757-9755

6 **IN THE UNITED STATES BANKRUPTCY COURT**  
7 **FOR THE DISTRICT OF ARIZONA**

8 DUSTIN ROGER CHANTEL,  
9 ELIZABETH CHANTEL,

10 Debtors,

11  
12 MOHAVE ELECTRIC COOPERATIVE,  
13 and FEDERATED RURAL ELECTRIC  
14 INSURANCE EXCHANGE, INC

15 Plaintiff,

16 vs.

17  
18 DUSTIN ROGER CHANTEL,  
19 ELIZABETH DARLENE CHANTEL,

20 Defendants.  
21

) In Chapter 7 Proceedings  
) Case No.: 0:13-BK-11909-EPB  
) RESPONSE TO Adversary No.  
) 0:13-AP-01367-EPB

22 The Debtors/Defendants, Dustin Roger Chantel and Elizabeth  
23 Darlene Chantel hereby respond to Adversary Proceeding 0:13-AP-  
24 01267-EPB.

25 **I. JURISDICTION AND VENUE**

26 The Plaintiffs in this Adversary Proceeding 0:13-AP-01267-EPB  
27 ask this court to proceed under a number of cited procedural  
28 rules and regulations that they claim gives them rights to  
29 request this court to take actions against the  
30 Debtors/Defendants. The Debtors/Defendants cite the founding  
31 documents of the nation called the United States of America. The  
32 documents referred to are the Constitution of the United States

1 of American, The Declaration of Independence (Adopted in  
2 Congress July 4, 1776), the Constitution of the State of  
3 Arizona, but not limited to these documents. These documents  
4 govern the people of this nation under a form of law known as  
5 Common Law, sometimes referred to as Common Sense Law or  
6 Substantive Law. Substantive Law is law that the people depend  
7 on to insure themselves that their rights listed in the  
8 Declaration of Independence are secure. Procedural Law has no  
9 regard for the peoples' rights and their liberties. In most  
10 cases the people using Procedural Law have abandoned the rights  
11 of the people and their right to the pursuit of happiness as it  
12 is stated in the Declaration of Independence.

13 By the Plaintiff filing issues of attorney fees in their  
14 complaint it submits them to the jurisdiction of this court.

## 15 **II. DEBTORS' /DEFENDANTS' RESPOND TO PARTIES**

16 1. The parties in these proceedings are Arizona  
17 Corporation Commission Administrative staff, Lyn  
18 Farmer, Belinda A. Martin, Janice Alward and Steven M.  
19 Olea, Director of Arizona Corporation Utilities  
20 Division, Docket No. E-01750A-09-0149. Mohave Electric  
21 Cooperative (hereinafter referred to as MEC) claims  
22 that it is a public service corporation pursuant to  
23 Article 15 Section 3 of the Arizona Constitution. If  
24 MEC were pursuing its duties under the governing  
25 documents and statues passed by the Arizona State  
26 Legislature they would admit that there are issues  
27 that need to be resolved. The prominent issues are  
28 reinstatement of electricity, right of way issue, line  
29 clearance from structure, removal of abandoned lines  
30 and poles. If MEC was acting in good faith they would  
31 have peacefully resolved these issues.  
32

1 MEC has been a party in these actions since 2005.  
2 Federated Rural Electric Insurance Exchange,  
3 (hereinafter referred to as Federated) is the  
4 insurance company that MEC claims is part of this  
5 action. It is not clear why Federated is part of this  
6 action since they are an insurance company that  
7 insures the cooperative's employee's liabilities.  
8 Federated has to ask MEC the question of, "Why have  
9 you not made any efforts to resolve the issues of  
10 removing your abandoned high voltage transmission  
11 lines and poles off of the parcel known as 313-11-006  
12 and reinstating the Debtors'/Defendants' electricity?"  
13 If one examines all of the cases and records, they  
14 would find that the large cost in damages and attorney  
15 fees are the results of MEC's attorneys refusing to  
16 resolve simple issues like measuring the distance  
17 between the two poles that hold the lines that cross  
18 over the structure. It would have been a simple fix by  
19 adding one pole in the middle to prevent the large  
20 swag over the structure. This would have lifted the  
21 lines enough to insure that the distance from line to  
22 structure would have met the National Electrical  
23 Safety codes. MEC's outrageous and  
24 hostile action caused the Debtors/Defendants to lose  
25 their electricity. Why did MEC take such an aggressive  
26 action when there was a simple and peaceful direction  
27 in which to proceed? It is the Debtors'/Defendants'  
28 belief that MEC knew they did not have a legally  
29 recorded right of way across the Southern portion of  
30 said parcel for their high voltage transmission lines.  
31 By taking this unrealistic action, MEC tried to  
32 portray themselves as the respectable party in this

1 action. MEC did not consult the Debtors/Defendants  
2 beforehand of their rerouting and reconstruction of a  
3 new high voltage transmission line nor did they  
4 discuss the costs that would be incurred. MEC could  
5 have accepted the Debtors'/Defendants' proposal to add  
6 one pole and raise the line to address the alleged  
7 clearance violation, but instead MEC chose to acquire  
8 a right of way from ADOT and build the new high  
9 voltage transmission lines around said parcel. They  
10 placed the new poles to meet today's distance  
11 requirements between poles and this same thing could  
12 have been accomplished by adding one pole between the  
13 excessively large distance between the old existing  
14 poles on said parcel as a much more cost efficient  
15 procedure. This would have raised the lines to  
16 eliminate the alleged distance violation from lines to  
17 top of structure and would have eliminated the issue  
18 of disconnecting the Debtors'/Defendants' electricity.  
19 The new lines were built completely around the parcel  
20 where the Debtors/Defendants reside. It should also be  
21 noted that MEC has a dedicated right of way at the  
22 North corner of said parcel, not on the Southern  
23 portion of the parcel. MEC has recorded right of ways  
24 with the BLM and the State of Arizona describing where  
25 their right of ways lie. BLM land abuts the East side  
26 of said parcel and State land abuts the Northwest side  
27 of said parcel. A survey was performed to verify where  
28 the dedicated right of ways exist. **(See Exhibit A)**  
29 Also included is a Time Line. **(See Exhibit B)**

30 2. The Debtors/Defendants admit that they are residents  
31 of Mohave County, AZ. They admit that they live on a  
32 parcel of land that has an odd shape and has a wash

1 that runs through the parcel. With set-backs, washes  
2 and the requirements that have been set by government  
3 agencies, right of ways and the threat of natural  
4 phenomenon this so-called 10 acres is reduced to a few  
5 thousand square feet that can actually be used. These  
6 attorneys go on to make a misleading statement to this  
7 court that the Debtors/Defendants are the owners of  
8 hundreds of acres of land.

9 3. MEC makes claims that a structure was built on said  
10 parcel that created unsafe conditions. The actual  
11 unsafe conditions were the results of MEC's failure to  
12 bring its high voltage transmission lines and poles  
13 into compliance with Arizona Administrative Code R14-  
14 2-208(A)(1) and (F)(1). The Debtors/Defendants were  
15 very reasonable in their solution to the problem. The  
16 problem was that the poles were under sized and the  
17 distance between poles were about twice the distance  
18 allowed by present day rules and regulations. This  
19 condition caused the lines to sag too close to the  
20 structure. This condition caused one of the poles to  
21 lean so much that if an abnormal weather condition  
22 were to occur it would break this pole and since this  
23 pole serviced the house on said parcel it would  
24 probley damage the electricity on the inside of the  
25 house. In the twelve years the Debtors/Defendants have  
26 lived on said parcel, there has been 7 to 10 poles  
27 from mile marker 66 to 73 blown down due to weather  
28 conditions in the area. These downed poles have been  
29 moving progressively east along Hwy 66 towards the  
30 parcel in question. On the day of MEC's inspection of  
31 distance clearance, Debtors/Defendants proposed that  
32 MEC add one pole to take the sag out of the lines.

1 This would raise the lines so there would not be a  
2 clearance violation and would be the most cost  
3 efficient way to remedy the problem and there would be  
4 no need to disconnect the Debtors'/Defendants'  
5 electricity or the railroad signal. MEC rejected this  
6 proposal. By reading the pleadings and case material  
7 submitted by MEC, they try to make it appear that the  
8 Debtors/Defendants are the harassers and have caused  
9 this debt, when in reality this whole thing could have  
10 been resolved before all of these actions took place  
11 and Debtors/Defendants would not be in a bankruptcy  
12 proceeding today.

- 13 4. MEC makes a statement that they own the abandoned  
14 poles and lines that exist on this parcel. MEC still  
15 owns these poles and lines. These poles and lines are  
16 unsafe and they are still on this parcel.
- 17 5. MEC claims that the Debtors/Defendants willfully and  
18 intentionally constructed a structure under MEC's high  
19 voltage transmission lines within their right of way.  
20 Exhibit A shows that MEC does not have a right of way  
21 where their old poles exist. One of the reasons for  
22 this conflict is the railroad train signal. This  
23 signal was tied into the unsafe lines that exist on  
24 this parcel. This signal sits on one of the longest  
25 curves in the United States. If the electricity were  
26 to be lost to this signal the Debtors/Defendants could  
27 have train cars in the yard and maybe in the house. It  
28 is possible that one of the reasons MEC up graded its  
29 lines in front of this signal, other than not being in  
30 their dedicated right of way, was that Burlington  
31 Northern may have brought it to MEC's attention that  
32 its line were substandard and did not meet the

1 presence day codes and that MEC was the responsible  
2 party if any electricity failure occurred in that area  
3 of this signal.

### 4 **III. FACTS**

5 **A.** MEC is a public service corporation pursuant to  
6 Article 15 Section 3 of the Arizona Constitution.  
7 This means that it has a duty to the citizens of the  
8 State of Arizona to resolve electricity issues in a  
9 peaceful manner. By law MEC's duty was to  
10 acknowledge the Debtors'/Defendants' concerns of  
11 MEC's poles being too far apart and not having a  
12 recorded right of way for the high voltage  
13 transmission lines on the southerly portion of said  
14 parcel. The procedure should have been to measure  
15 the distance between poles. If this distance was  
16 longer than present day standards, MEC, as a public  
17 service corporation, was responsible to place a pole  
18 somewhere between these two poles. One pole could  
19 have been placed in a location that would have  
20 lifted the lines high enough above this structure so  
21 there would not have been any line clearance  
22 violation or the need to disconnect  
23 Debtors'/Defendants' electricity. This would have  
24 prevented all of the legal filings and all of the  
25 legal costs the Plaintiffs are claiming. It would  
26 have prevented the need to file this bankruptcy  
27 proceeding. MEC's pleading seems to have threats in  
28 it that MEC is going to file a number of other  
29 frivolous legal filings with intent to cause further  
30 damages. This is evidence in itself that MEC is the  
31 responsible party for the debt listed in this court.  
32 MEC is clearly a bad faith creditor using this court



1 to secure claims that it truly has no right to  
2 receive.

3 **B.** MEC's attorneys chose to take a hostile approach,  
4 which would generate large amounts of attorney fees  
5 instead of taking a peaceful and affordable approach  
6 to resolve the issues. If the reader of this  
7 pleading would read all of the damages that MEC is  
8 claiming, that is exactly what the  
9 Debtors/Defendants have been going through for the  
10 past five years. The Debtors/Defendants have  
11 experienced large amounts of emotional stress.  
12 Because of the loss of electricity to operate the  
13 Defendant, Roger Chantel's, breathing machine that  
14 supplies oxygen to his body for uninterrupted sleep,  
15 he became very fatigued after a few days. While  
16 trying to supply water to the residence he rolled a  
17 quad and broke his clavicle and two ribs. Since MEC  
18 turned off the Chantel's electricity without any  
19 written notice, not only did Defendant, Darlene  
20 Chantel, have to start and service the generator  
21 that was being used to keep their food from rotting,  
22 keep the lights working, along with everything else  
23 that runs on electricity, she had to operate a make-  
24 shift battery power supply to run Roger Chantel's  
25 breathing machine since he was unable to do any of  
26 these functions. This was an extremely hard and  
27 difficult time for her.

### 28 **III. PRESENT DAY EVENTS**

29 **A.** MEC admits that it is a public service corporation.  
30 This makes them liable and responsible to comply  
31 with laws in the Arizona Administrative Code. The  
32 true facts are that MEC has more complaints filed

1           against them in the last ten years than any other  
2           electricity provider in the State of Arizona.

3           **B. R14-2-202 B "Application for discontinuance or**  
4           **abandonment of utility service."**

5           a. R14-2-202 B(1) "Any utility proposing to  
6           discontinue or abandon utility service currently in  
7           use by the public shall prior to such action obtain  
8           authority therefore from the Commission."

9           b. R14-2-202 B(2) The utility shall include in the  
10          application, studies of past, present and  
11          prospective customer use of the subject service,  
12          plant or facility as is necessary to support the  
13          application. If MEC would have complied with these  
14          rules, which has the word shall, which means it is  
15          mandatory for a utility to comply to, it would have  
16          been knowledgeable to the fact that the Defendant,  
17          Roger Chantel's, medical condition falls under the  
18          following rules.

19          **C. R14-2-211 Termination of Service**

20          a. R14-2-211 A(5) "A utility shall not terminate  
21          residential service where the customer has an  
22          inability to pay." The Debtors in this bankruptcy  
23          do not have the means to pay the large amount of  
24          attorney fees that have been generated by all of  
25          the unnecessary and frivolous legal filings that  
26          are listed in this pleading.

27          b. R14-2-211 A(5) (a) "The customer can establish  
28          through medical documentation that, in the opinion  
29          of a licensed medical physician, termination would  
30          be especially dangerous to the health of a customer  
31          or a permanent resident residing on the customer  
32          premises, or

1           c. R14-2-211 A(5) (b) "Life supporting equipment  
2           used in the home that is dependent on utility  
3           service for operation of such apparatus. The  
4           Defendants have submitted documentation to the  
5           Administrative Law Judge of the ACC that Defendant,  
6           Roger Chantel, requires life supporting equipment  
7           and the need for continuous electricity. A Veteran  
8           Administration doctor has submitted documentation  
9           verifying the need for continuous electricity to  
10          run Roger Chantel's CPAP machine at night.

11       **C. R14-2-208 Provision of Service**

12       a. R14-2-208(A) Utility responsibility.

13       b. R14-2-208(A) (1) Each Utility shall be  
14       responsible for the safe transmission and  
15       distribution of electricity until it passes the  
16       point of delivery to the customer.

17       c. R14-2-208(F) (1) Each Utility shall instruct all  
18       facilities in accordance with the provisions of  
19       Institute of Electrical and Electronic Engineers,  
20       Inc., Pup. No. C 2-2007, National Electric Safety  
21       Code (2007), which is incorporated by reference in  
22       R14-2-207(E) (3) (c), and American Society of  
23       Mechanical Engineers, Pub. No. ANSI-ASME B 31.1-  
24       2007, Power, Piping(2007), including no future  
25       additions are amendments, which incorporate by  
26       reference on file with the Commission, and  
27       published by and available from the American  
28       Society of Mechanical Engineers, 3 Park Avenue,  
29       New York, New York 10016, and through  
30       <http://catalog.asme.org>.

31       It is Debtors'/Defendants' belief that this administrative  
32       body is going to abandon the Substantive Laws that preserve and

1 protect the governed citizens' rights, liberties and their  
2 pursuit of happiness. It is believed that this administrative  
3 body will use some kind of procedural law to accomplish this.

4 In the Procedural Order dated October 29, 2013, the  
5 Administrative Law Judge stated the Chantels docketed a Motion  
6 to Enforce Arizona Administrative Codes R14-2-211(A)(5)(6),  
7 R14-2-202(B)(1)(2), R14-2-208 A(1) and (F)(1). **(See Exhibit C)** In  
8 the Procedural Order dated November 21, 2013, the Administrative  
9 Law Judge stated that the Complainants docketed a Motion to Hear  
10 Only Substantive Law of R14-2-211(A)(5)(6), R14-2-208(A)(1) and  
11 (F)(1). This order did not mention R14-2-202(B)(1)(2). **(See**  
12 **Exhibit D)** The Complainants asked for the Enforcement Order be  
13 issued, which includes all three rules underlined above. It  
14 appears the only way these issues will be resolved is by a court  
15 issuing an order to MEC to reinstate the Debtors'/Defendants'  
16 electricity and an order requiring MEC to comply with the above  
17 mentioned laws.

#### 18 **18 USC 157 Bankruptcy Fraud**

19 The attorneys for MEC devised a scheme to cover up the fact  
20 that their clients did not have a right of way where their high  
21 voltage transmissions lines were located on said parcel.  
22 Debtors/Defendants submitted in Exhibit "A" a survey of the  
23 conditions of lines, poles, location of right of ways, etc.  
24 Debtors/Defendants submitted a copy of a Time Line in Exhibit  
25 "B" showing actions of MEC and how they misrepresented the  
26 issues surrounding their alleged right of way on said parcel.

27 In 2005 the Debtor/Defendant was considering building a  
28 structure on the parcel. MEC had a high voltage transmission  
29 line located on the southerly portion of said parcel.  
30 Debtors/Defendants contacted MEC to find out where their exact  
31 right of way existed for their high voltage transmission lines.  
32 After a number of different types of communication and

1 approximately 6 to 8 months later, the Debtors/Defendants  
2 decided to spend their own money to find out where this high  
3 voltage transmission line was actually located. They had a title  
4 company search for all of the right of ways that existed on this  
5 parcel. The only electricity right of way that existed was the  
6 16 foot service right of way that was granted to MEC by  
7 Debtors/Defendants when MEC hooked up the electricity in 2001  
8 recorded in Instrument No. 2001-010401 (Book 3682, Page 517). It  
9 appeared that MEC employees and their attorneys were aware that  
10 MEC did not have a recorded right of way on this southerly  
11 portion of said parcel. MEC made claims that a structure existed  
12 in their right of way, they claimed it was built without a  
13 permit. The attorneys for MEC claimed that the structure was in  
14 violation of some type of line clearance code listed in the  
15 National Electricity Safety Code. When MEC personnel measured  
16 the lines they made claims that the structure was too close to  
17 their lines and it was a safety issue. The Debtors/Defendants  
18 offered a solution to their claims. It was pointed out that the  
19 reason for the lines being too close to the structure was that  
20 MEC's poles were about twice the distance of the present day  
21 codes. Debtors/Defendants suggested that if MEC would place a  
22 pole somewhere close to the middle of the two poles, the large  
23 sag in their lines would be lifted high enough to eliminate the  
24 distance from lines to structure, which would eliminate any  
25 safety issue. The placement of this pole would raise the lines  
26 and there would not be a clearance violation and no need to  
27 disconnect Debtors'/Defendants' electricity. MEC's attorneys  
28 knew that there was no right of way on this southerly portion of  
29 said parcel, yet lead Mohave County Planning Department to  
30 believe MEC did have a right of way on the southerly portion of  
31 said parcel. Even though Debtors/Defendants applied for a  
32 permit, the Mohave County Planning Department could not issue a

1 building permit because of the alleged claim of MEC's right of  
2 way. The attorneys for MEC made claims that the line clearance  
3 violation caused such a dangerous safety issue that it merited  
4 MEC to request Mohave County Planning Department to issue a  
5 disconnect order to the residence located on said parcel. When a  
6 disconnect order is issued, normally it is disconnected at the  
7 service pole. You can really see where the scheme is revealing  
8 itself. MEC sent service trucks out to said parcel and  
9 disconnected the high voltage transmission lines from the west  
10 side where this parcel borders Arizona State land all the way to  
11 the east side where this parcel borders Federal land. They  
12 disconnected the high voltage transmission lines over and across  
13 the parcel that MEC did not have a right of way on. These  
14 attorneys' scheme, that had been devised, was enhanced when they  
15 added claims that the violation was so dangerous that MEC had no  
16 alternative but to construct a new high voltage transmission  
17 line around said parcel to service the railroad signal. The fact  
18 is that the lines that MEC disconnected were the lines that  
19 serviced the railroad signal. The Debtors/Defendants had a  
20 greater concern about the safety of lines and poles in the area  
21 than MEC did. The railroad signal sets on one of the longest  
22 curves in the United States. If the electricity were to fail, it  
23 could cause railroad cars to crash and throw them into the yard  
24 and maybe into the house on said parcel. The scheme just keeps  
25 getting larger by these attorneys claiming that the  
26 Debtors/Defendants were responsible to pay for the cost of MEC  
27 building the new high voltage transmission line around said  
28 parcel. These attorneys misled authorities and filed misleading  
29 documents claiming that MEC had a prescriptive right of way.  
30 These attorneys were aware of the Federal Law 28 U.S.C. 2409  
31 (a), which states that utilities cannot have a prescriptive  
32 right of ways.

1       It appears that these attorneys have made suggestions to  
2 the attorneys that the Debtors/Defendants have hired in the past  
3 that Debtors/Defendants would not be able to pay the large  
4 amount of attorney fees that would be generated and the  
5 attorneys hired should leave the case. Their reasoning was  
6 because the attorneys representing MEC were going to build the  
7 cost of this case to a point that the Debtors/Defendants would  
8 not be able to pay Debtors'/Defendants' attorney fees.

9       This pleading is about the \$300,000 plus dollars that has  
10 been claimed and paid to attorneys in fees. The United States  
11 Trustee can confirm the claims of these attorneys by subpoenaing  
12 the financial records of MEC to see how much of these fees were  
13 paid by the client. If the fees paid by the client are less than  
14 the fees submitted to the courts, that is true evidence of fraud  
15 and misrepresentation of claims to the courts.

#### 16 17 **INTEGRITY LAW**

18       Integrity Law follows and supports Common Law. Substantive  
19 Law provides justice, liberty, and promotes the happiness and  
20 well being of the people that are governed. Since it's the  
21 Christmas season this court may choose to exercise leniency.  
22 This court could promote Integrity Law by suspending these  
23 attorneys from this case, issuing the enforcement order and  
24 allowing MEC's Board of Directors and the Debtors/Defendants to  
25 get together and work on a plan to reinstate  
26 Debtors'/Defendants' electricity and allow MEC to file the  
27 needed application to remove the abandoned poles and lines. It  
28 is Debtors'/Defendants' belief that if MEC's attorneys would  
29 step aside and allow the Debtors/Defendants and just the MEC  
30 Board of Directors to sit down together, the issues in the  
31 courts could be resolved.  
32

THEREFORE Debtors/Defendants pray that this court will issue an order suspending these attorneys and their law firm from being involved in the enforcement order or related laws.

FURTHERMORE Debtors/Defendants ask this court to discharge the debt claimed by the Creditor.

FURTHERMORE Debtors/Defendants ask this court to issue the enforcement order that has been submitted with this pleading.

Dated this 11<sup>th</sup> day of December, 2013

Dustin R Chantel  
Debtor/Defendant Dustin R. Chantel



THEREFORE Debtors/Defendants pray that this court will issue an order suspending these attorneys and their law firm from being involved in the enforcement order or related laws.

FURTHERMORE Debtors/Defendants ask this court to discharge the debt claimed by the Creditor.

FURTHERMORE Debtors/Defendants ask this court to issue the enforcement order that has been submitted with this pleading.

Dated this 11<sup>th</sup> day of December, 2013

Dust R. Choute

Debtor/Defendant Dustin R. Chantel

Proof of and Certificate of Mailing

I hereby certify that on the 12<sup>th</sup> day of December, 2013, I caused the foregoing documents to be served on the Arizona Corporation Commission by mailing the original and (13) copies to:

Docket Control  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, AZ 85007

Copy of the foregoing mailed this 12<sup>th</sup> day of December, 2013 to:

Janice Alward, Chief Counsel Legal Division  
LYN Farmer, Belinda A. Martin, Steven Olea  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, AZ 85007

Curtis, Goodwin, Sullivan,  
Udall & Schwab, P.L.C.  
501 East Thomas Road  
Phoenix, AZ 85012

Jennifer A. Giaimo  
230 North First Ave., Suite 204  
Phoenix, AZ 85003-1706

Ilene Lashinsky  
230 North First Ave., Suite 204  
Phoenix, AZ 85003-1706

U.S. Bankruptcy Court Yuma  
325 W. 19<sup>th</sup> Street, Suite D  
Yuma, AZ 85364

Honorable Eddward E. Ballinger Jr.  
230 North First Ave Suite 101  
Phoenix AZ 85003-1706

Elizabeth Chantel

# EXHIBIT A

## COLOR CHART FOR RESULT OF SURVEY MAP

**YELLOW** Centerline of a 20' wide USBLM right of way grant to Mohave Electric Cooperative per AZA-32288 (bearing and distances plotted from PHX 086238.)

**GREEN** Current location of old Mohave Electric Cooperative utility poles, overhead lines and down guys.

**ORANGE** Current location of new Mohave Electric Cooperative utility poles, overhead lines and down guys.

**BLUE** Centerline of 16.0' wide electric easement recorded in instrument no. 2001-010401 (book 3682, page 517.) NOTE, this easement was granted for a service line only, not a 14.4 kv overhead electric line.

**PINK** Current location of Mohave Electric Cooperative service line, falls outside of easement.

**PURPLE** Utility pole - 28.0' from ground to low wire  
- 33.5' from ground to wire at cross arm  
- Pole is out of plumb by 2.4'

Located in Section 5, Township 23 North, Range 14 West,  
Gila & Salt River Baseline & Maricopa, Maricopa County, Arizona

Roger Chantel



SHEET  
1 OF 1

# EXHIBIT B

## TIME LINE

In 1950 Mohave Electric Cooperative acquired a right-of-way from the Bureau of Land Management and in that same year also acquired a right-of-way from the State of Arizona to construct, operate, and maintain a 14.4 kv overhead electric line.

In 2004 Mohave Electric Cooperative renewed their right-of-way with the Bureau of Land Management.

In 2008 Mohave Electric Cooperative renewed their right-of-way with the State of Arizona.

In 2012 a Result of Survey was put together by Arizona Surveying, Inc. This Result of Survey shows where the granted right-of-ways from the Bureau of Land Management and the State of Arizona are located. This Result of Survey also shows that Mohave Electric Cooperative's right-of-way crosses over the North East corner of Sec. 5, T. 23 N., R. 14 W. Parcel Number: 313-11-006. The Result of Survey shows the current location of Mohave Electric Cooperative's old lines and also the location of Mohave Electric Cooperative's new lines. Neither the old lines nor the new lines are located inside of their right-of-way they acquired from the Bureau of Land Management or the State of Arizona.

Also in this Result of Survey, the surveyor made note that one of the poles (#3) in the old line is leaning in a southeasterly direction by approximately 2.4'. Since this survey was put together, this pole has continued to lean, causing a huge swag to the east of the pole and causing the line to the west to be drawn extremely tight. These poles were abandoned in 2008 and are still on the property. They are unsafe and could cause substantial damage to the property and anyone visiting on this property.

In 2008 Mohave Electric Cooperative made claims that we were placing a building inside of their right-of-way. They could not produce evidence proving their claim of right-of-way. After a while, they made claims that they had a prescriptive right-of-way. After we talked to the Bureau of Land Management about Mohave Electric Cooperative having a prescriptive right-of-way, we were informed that according to Federal Law 28 U.S.C. 2409a utilities cannot have prescriptive right-of-ways, they must have a granted right-of-way. After that claim fell short, they claimed that the previous owner gave them permission to place their poles and lines across the southerly portion of Parcel Number 313-11-006 (where the old lines are today) Again there was no evidence produced to substantiate their claim.

Mohave Electric Cooperative signed documents for right-of-ways with Federal and State agencies acclaiming that they were using the granted right-of-ways they had acquired. The Serial Number for the Bureau of Land Management right-of-way is AZA-32288. This is evidenced by the attached copy of the Result of Survey. The R/ W Number for the State of Arizona is 17-1750.

All of this evidence is proof that Mohave Electric Cooperative has been and is still trespassing on the southerly portion of Parcel Number 313-11-006. To our knowledge they have not acquired an Application for Discontinuance or Abandonment of Utility Service R14-2-202 B 1, 2. They have not removed the poles and lines that are currently on this parcel and have not maintained or corrected the hazardous conditions.

Respectfully submitted by:

Elizabeth D. Chantel  
December 2013



# EXHIBIT C

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 BOB STUMP - Chairman  
4 GARY PIERCE  
5 BRENDA BURNS  
6 BOB BURNS  
7 SUSAN BITTER SMITH

8 IN THE MATTER OF THE FORMAL COMPLAINT  
9 OF ROGER AND DARLENE CHANTEL,

DOCKET NO. E-01750A-09-0149

COMPLAINANTS,

v.

MOHAVE ELECTRIC COOPERATIVE, INC.,

RESPONDENT.

**PROCEDURAL ORDER**  
**(Sets Procedural Conference)**

12 **BY THE COMMISSION:**

13 On March 24, 2009, Roger and Darlene Chantel ("Chantels" or "Complainants") filed a  
14 formal complaint ("Complaint") with the Arizona Corporation Commission ("Commission") against  
15 Mohave Electric Cooperative, Inc. ("MEC" or "Company"). MEC filed its Response to Formal  
16 Complaint and Motion to Dismiss on April 10, 2009.

17 A Procedural Order docketed on July 28, 2009, denied MEC's Motion to Dismiss.

18 On July 12, 2013, MEC filed a Motion to Reconsider Motion to Dismiss Formal Complaint  
19 ("Motion to Reconsider").

20 On August 14, 2013, the Chantels docketed three separate pleadings: 1) Complainants'  
21 Response to Procedural Order Issued by Administrative Law Judge Belinda A. Martin, 2)  
22 Complainants' Response to Mohave Electric Cooperative's Motion to Reconsider Motion to Dismiss  
23 Formal Complaint, and 3) Motion to Transfer Issues in Complaint to the Citizens' Jurisdiction  
24 ("Motion to Transfer").

25 On August 26, 2013, MEC filed its Objection Complainants' Response to Procedural Order,  
26 Reply to Complainants' Response to Motion to Reconsider Motion to Dismiss Formal Complaint,  
27 and Response to Complainants' "Motion to Transfer Issues in Complaint to the Citizens'  
28 Jurisdiction."

1 On September 4, 2013, the Chantels docketed a Motion to Enforce Arizona Administrative  
2 Codes R14-2-211(A)(5)(6), R14-2-202(B)(1)(2), R14-2-208(A)(1) and (F)(1), and provided a  
3 proposed form of Judicial Order ("Motion to Enforce").

4 On September 9, 2013, a Procedural Order was docketed setting a procedural conference for  
5 September 25, 2013, for the purpose of taking oral arguments on MEC's Motion to Dismiss and  
6 Motion to Reconsider and the Chantels' Motion to Transfer and the Motion to Enforce. The  
7 Procedural Order also directed MEC to file a response to the Chantels' Motion to Enforce by  
8 September 23, 2013.

9 On September 16, 2013, the Chantels filed a Motion to Postpone Most of the Issues at the  
10 Hearing on September 25, 2013 ("Motion to Postpone"), and a Motion to Hear Issues on the  
11 Emergency Notice of Action Submitted to Steven Olea of the Arizona Corporation Commission  
12 ("Motion to Hear Issues"). In their Motion to Postpone, the Complainants assert that the parties plan  
13 to conduct an inspection of MEC's lines along Highway 66 and request that most of the issues to be  
14 heard at the September 25, 2013, proceeding be postponed pending results of the inspection. Instead,  
15 in their Motion to Hear Issues, the Chantels request that the Emergency Notice of Action<sup>1</sup> be heard  
16 on that day.

17 On September 23, 2013, MEC submitted its Response to Complainants' Motions 1) to  
18 Enforce, 2) to Postpone and 3) to Hear Issues. The Company objected to postponement of the  
19 September 25, 2013, procedural conference and requesting that the oral arguments continue as  
20 scheduled.

21 A Procedural Order was issued September 23, 2013, stating that in the interest of  
22 administrative efficiency, it was reasonable to vacate the September 25, 2013, procedural conference.

23 On September 30, 2013, the Chantels filed a letter replying to MEC's Response.

24 MEC filed a Motion for Procedural Conference on October 8, 2013, requesting that a  
25 procedural conference for the purpose of hearing oral arguments on all motions be rescheduled.

26 The Chantels docketed a Request to Decline Motion for Oral Argument in a Procedural  
27

28 <sup>1</sup> The Chantels included their "Emergency Notice of Action" as an attachment to their Response to Mohave Electric Cooperative's Motion to Reconsider Motion to Dismiss Formal Complaint.

1 Conference and that the Administrative Law Judge Move Forward in Issuing of the Enforcement  
2 Order. The Chantels stated that no new evidence or testimony can be presented that will add to that  
3 already submitted by the parties; therefore, MEC's Motion should be denied.

4 In order to address certain procedural issues that have arisen, it is necessary to schedule a  
5 procedural conference for the purpose of addressing these issues prior to taking oral arguments on  
6 any outstanding motions.

7 IT IS THEREFORE ORDERED that a **telephonic procedural conference shall commence**  
8 **on November 19, 2013, at 10:00 a.m., call-in number: (888) 450-5996, Participant No. 457395#.**  
9 The parties may also attend in person at the Commission's Tucson offices, Room 222, 400 West  
10 Congress Street, Tucson, Arizona 85701.

11 IT IS FURTHER ORDERED that the purpose of the telephonic procedural conference  
12 shall be to discuss procedural matters only. There will be no discussion of substantive issues  
13 during this procedural conference.

14 IT IS FURTHER ORDERED that the Commission's Utilities Division ("Staff") shall  
15 attend the telephonic procedural conference in the event that Staff's input is needed on certain  
16 procedural questions.

17 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules  
18 of the Arizona Supreme Court and A.R.S. §40-243 with respect to practice of law and admission *pro*  
19 *hac vice*.

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

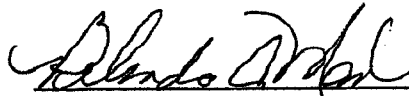
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27 ...

28 ...

IT IS FURTHER ORDERED that that the Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 29<sup>th</sup> day of October, 2013.



BELINDA A. MARTIN  
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed  
this 29<sup>th</sup> day of October, 2013, to:

Roger and Darlene Chantel  
10001 East Highway 66  
Kingman, AZ 86401


Michael A. Curtis, Esq.  
Larry K. Udall, Esq.  
CURTIS, GOODWIN, SULLIVAN  
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Janice Alward, Chief Counsel  
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Steven M. Olea, Director  
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ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

ARIZONA REPORTING SERVICE, INC.  
2200 N. Central Avenue, Suite 502  
Phoenix, Arizona 85004-1481

By:



Belinda A. Martin

# EXHIBIT D

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 BOB STUMP - Chairman  
4 GARY PIERCE  
5 BRENDA BURNS  
6 BOB BURNS  
7 SUSAN BITTER SMITH

8 IN THE MATTER OF THE FORMAL COMPLAINT  
9 OF ROGER AND DARLENE CHANTEL,

DOCKET NO. E-01750A-09-0149

10 COMPLAINANTS,

11 v.

12 MOHAVE ELECTRIC COOPERATIVE, INC.,

13 RESPONDENT.

14 **PROCEDURAL ORDER**  
15 **(Setting Procedural Conference)**

16 **BY THE COMMISSION:**

17 On March 24, 2009, Roger and Darlene Chantel ("Complainants") filed a formal complaint  
18 ("Complaint") with the Arizona Corporation Commission ("Commission") against Mohave Electric  
19 Cooperative, Inc. ("MEC" or "Company"). MEC filed its Response to Formal Complaint and Motion  
20 to Dismiss on April 10, 2009.

21 On October 30, 2013, a Procedural Order was docketed setting a telephonic procedural  
22 conference for November 19, 2013, at 10:00 a.m., to address certain procedural issues. The  
23 Procedural Order advised the parties that no substantive matters would be considered during the  
24 proceeding. A toll-free telephone number was provided for the parties' use.

25 On November 12, 2013, the Complainants filed a Request for a Court Reporter to be Present  
26 at the November 19, 2013, Hearing/Conference, and a Motion to Move Hearing to Phoenix, Arizona.

27 A Procedural Order docketed November 13, 2013, denied the Complainants' Motion to Move  
28 Hearing to Phoenix, Arizona, and reiterated that only procedural issues would be addressed during  
the proceeding. The Procedural Order confirmed the procedural conference's date and time and the  
toll-free telephone number.

On November 15, 2013, the Complainants docketed a Motion to Hear Only Substantive Law  
of R14-2-211(A)(5)(6), R14-2-208(A)(1) and (F)(1), and a Memorandum in Support of Substantive

1 Law, requesting that only substantive legal issues be heard at the procedural conference.

2 A Procedural Order docketed November 18, 2013, denied the Complainants' Motion to Hear  
3 Only Substantive Law of R14-2-211(A)(5)(6), R14-2-208(A)(1) and (F)(1), and reiterated that only  
4 procedural matters would be addressed during the proceeding. It also advised the parties that  
5 substantive issues would be heard at the appropriate time. The Procedural Order again confirmed the  
6 procedural conference's date and time and the toll-free telephone number.

7 The telephonic procedural conference convened as scheduled and Larry Udall, on behalf of  
8 MEC, and Wes Van Cleve, on behalf of Commission Staff, attended telephonically. A court reporter  
9 was also present by telephone to record the proceeding. After postponing the procedural conference  
10 for 15 minutes, the Complainants did not appear telephonically or in person and the proceeding was  
11 cancelled. MEC and Commission Staff were advised that a Procedural Order would be issued setting  
12 another procedural conference for the purpose of determining whether the Complainants desire to  
13 proceed with their Complaint.

14 IT IS THEREFORE ORDERED that a **telephonic procedural conference shall commence**  
15 **on December 16, 2013, at 9:00 a.m., CALL-IN NUMBER: (888) 450-5996, PARTICIPANT NO.**  
16 **457395#**. The parties may also attend in person at the Commission's Tucson offices, Room 222, 400  
17 West Congress Street, Tucson, Arizona 85701.

18 IT IS FURTHER ORDERED that **the purpose of the telephonic procedural conference**  
19 **will be to discuss whether the Complainants wish to pursue their Complaint and, if so, to**  
20 **discuss scheduling. No other matters will be discussed during this procedural conference.**

21 IT IS FURTHER ORDERED that if the Complainants no longer wish to pursue their  
22 Complaint before the Commission, **the Complainants may file a Motion to Withdraw Complaint**  
23 **no later than December 9, 2013, as an alternative to attending the telephonic procedural**  
24 **conference.**

25 ...

26 ...

27 ...



IT IS FUTHER ORDERED advising the Complainants that if they fail to comply with the above Ordering Paragraphs, or with any subsequent Orders of the Commission, **SUCH FAILURE MAY ULTIMATELY RESULT IN ADMINISTRATIVE CLOSURE OF THIS DOCKET.**

IT IS FURTHER ORDERED that Commission Staff is not required to attend this telephonic procedural conference.

IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules of the Arizona Supreme Court and A.R.S. §40-243 with respect to practice of law and admission *pro hac vice*.

IT IS FURTHER ORDERED that that the Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 21<sup>st</sup> day of November, 2013.

  
BELINDA A. MARTIN  
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed this 21<sup>st</sup> day of November, 2013, to:

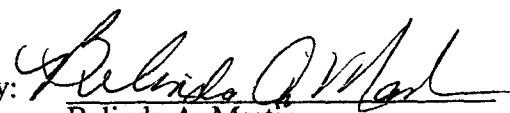
Roger and Darlene Chantel  
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Michael A. Curtis, Esq.  
Larry K. Udall, Esq.  
CURTIS, GOODWIN, SULLIVAN  
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ARIZONA REPORTING SERVICE, INC.  
2200 N. Central Avenue, Suite 502  
Phoenix, Arizona 85004-1481

By:   
Belinda A. Martin

1 Dustin Roger Chantel and  
2 Elizabeth Chantel  
3 10001 E. Hwy. 66  
4 Kingman, Az. 86401  
5 Telephone (928)757-9755

6 **IN THE UNITED STATES BANKRUPTCY COURT**  
7 **FOR THE DISTRICT OF ARIZONA**

8 DUSTIN ROGER CHANTEL,  
9 ELIZABETH CHANTEL,

10 Movants,

11  
12  
13 MOHAVE ELECTRIC COOPERATIVE,  
14 and FEDERATED RURAL ELECTRIC  
15 INSURANCE EXCHANGE, INC

16 Plaintiff,

17 vs.

18 DUSTIN ROGER CHANTEL,  
19 ELIZABETH DARLENE CHANTEL,

20 Defendants.  
21

) In Chapter 7 Proceedings

) Case No.: 0:13-BK-11909-EPB

) MOTION FOR RELIEF AND ISSUANCE  
OF ORDER

) Adversary No. 0:13-ap-01267-EPB

22 The Movants, Dustin Roger Chantel and Elizabeth Darlene  
23 Chantel hereby move this court to issue an order enforcement of  
24 Arizona Revised Statutes R14-2-202(B)(1), (2), R14-2-208(A)(1) and  
25 (F)(1), and R14-2-211(A)(5)(6).

26 I. JURISDICTION AND VENUE

27 The court has jurisdiction to hear and issue orders  
28 pursuant to 28 U.S.C. 157 and 1334. Venue is proper in  
29 this district pursuant to 28 U.S.C, the Arizona State  
30 Constitution Article 2, "Supreme Law of the Land"  
31 Section 3 "The Constitution of the United States is the  
32 Supreme Law of the Land." Arizona founding documents

1 grants the United States Federal Courts to proceed in  
2 matters that have freely been brought to the United State  
3 Federal Courts.

4 **II. PARTIES**

5 1. Dustin Roger Chantel and Elizabeth Darlene Chantel,  
6 Debtors in a Chapter 7 bankruptcy and Complainants  
7 in a pleading in Arizona Corporation Commission  
8 Docket No. E-01750A-09-0149.

9 2. Mohave Electric Cooperative, ("MEC") a public service  
10 corporation that provides electricity to citizens in  
11 the State of Arizona and governed by federal laws,  
12 such as the National Electric Safety Codes and  
13 other federal laws, rules and regulations, as well  
14 as laws and rules of the State of Arizona.

15 3. MEC has an exclusive right to provide electricity to  
16 an area that has been created by rules and  
17 regulations governed under a public identity known  
18 as the Arizona Corporation Commission. The Movants  
19 have no other choice of a electric company from who  
20 they can receive electricity.

21 4. In 2001 the Movants requested that MEC provide  
22 electricity to the residence located on Assessor  
23 Parcel Number 313-11-006, located in Mohave County  
24 in the State of Arizona. MEC claimed that they could  
25 not provide electricity to the Movants until they  
26 signed documents of membership and paid a few. MEC  
27 requested that they be granted a 16 foot service  
28 right of way to hook electrical power to the  
29 residence. The Movants complied with MEC's request  
30 and signed a 16 foot service right of way that is  
31 recorded in Mohave County in instrument No. 2001-  
32 010401 (Book 3662, Page 517).

- 1 5. The parcel known by 313-11-006 is referred to as an  
2 approximately ten acre parcel of which the County of  
3 Mohave charges taxes on. This parcel includes road  
4 rights of ways, governmental requirements of  
5 setbacks, wash required setbacks, entrance right of  
6 ways and other government rules and regulations that  
7 reduce the actual use of said parcel down to a few  
8 thousand square feet of real usage.
- 9 6. In 2005 the Movants were considering placing a  
10 structure on this parcel. MEC, the Movants'  
11 electricity supplier, had high voltage transmission  
12 lines running over the southern portion of said  
13 parcel. Out of respect for MEC, the Movants  
14 contacted MEC and ask them to give a complete  
15 footage description of the right of way that their  
16 high voltage transmission lines were located in.
- 17 7. The Movants sent a number of letters to MEC in an  
18 effort to try and find out the location of the high  
19 voltage transmission line right of way. Sometime in  
20 2006 a representative of MEC contacted the Movants  
21 and stated that if they wanted MEC's poles moved,  
22 they would have to pay to have them moved. The  
23 Movants' could not understand why MEC's personnel  
24 should be so hostile.
- 25 8. The Movants decided to spend their own money to get  
26 a determination of the right of way that these high  
27 voltage transmission lines were located on. They  
28 paid a title company to do a right of way search on  
29 said parcel. The only right of way that existed was  
30 road right of ways and the small 16 foot service  
31 right of way that Movants granted in 2001.  
32

1 9. The Movants determined the reason MEC's personnel  
2 was so hostile was because MEC knew they did not  
3 have a recorded right of way where their high  
4 voltage transmission lines were located. The Movants  
5 have had unfavorable dealings with MEC in the past.  
6 The Movants did not know what to do about the fact  
7 that there was no recorded right of way that would  
8 restrict the usage of said parcel.

9 10. The Movants are great believers in Divine  
10 Intelligence. They consulted this power and asked  
11 for direction as how to proceed. The response given  
12 from Divine Intelligence was don't deal with them.  
13 Movants communicated and asked what they could do to  
14 protect the parcel and themselves from the unsafe  
15 conditions. After a period of time it was revealed  
16 that the Movants could gain some relief from the  
17 unsafe conditions by building a structure, so if the  
18 poles were to fall, the lines would fall upon the  
19 structure and not the ground. Movants had no idea as  
20 to what kind of structure should be built or where  
21 it should be build. As time went on the location and  
22 the design, the type of building materials and the  
23 location was revealed.

24 11. This structure is very unique in design and the  
25 use of materials. The design is round so as to hold  
26 the weight of the high voltage transmission lines if  
27 the poles were to fall. The materials used would  
28 prevent electricity from harming people and contents  
29 inside of the building if these high voltage power  
30 lines were to fall. The location of the structure  
31 appeared to prevent a whiplash of these power lines  
32 from reaching cars on Hwy. 66 and from damaging

1 material item and other structures located on the  
2 said parcel.

3 12. MEC made a large number of claims about this  
4 structure, such as their power lines being too close  
5 to the top of this structure, structure being built  
6 without a permit, the structure was not a normal  
7 building. These are just a few claims against the  
8 Movants.

9 13. After a period of time Movants noticed that one  
10 of the poles on the parcel was showing dangerous  
11 signs of stress, because the distance between the  
12 two poles were approximately twice the distance  
13 allowed by present day standards in the National  
14 Safety Electric Codes and A.A.C. R14-208 (A)(1) and  
15 (F)(1). It is not clear when MEC was first informed  
16 about the safety issue, but the fact is they have  
17 been aware of this issue for over 5 years and to  
18 this date have not made any effort to correct  
19 Movants' concerns.

20 14. Movants have found that it is next to impossible  
21 to deal with MEC and when things were brought to  
22 their attention they always seemed to take a hostile  
23 approach and did not want to talk about any issues.

24 15. Movants made efforts to address MEC's major  
25 concerns. One of the concerns was there was no  
26 permit issued. The Movants applied for a permit, but  
27 was informed that there was a right of way issue and  
28 the court would need to document a right of way for  
29 the high voltage transmission lines that existed on  
30 the parcel before a permit could be issued.  
31  
32

1 16. After a number of visits by MEC and County  
2 Personnel it became clear that some type of scheme  
3 was being developed by MEC's legal representatives.  
4 The scheme was to get Mohave County to issue a  
5 disconnection to the residence. The scheme really  
6 became present when MEC performed the electricity  
7 disconnection, which was from the west end of the  
8 parcel to the east end of the parcel. If MEC was  
9 intending to follow the County's disconnection order  
10 they would have disconnected the electricity at the  
11 service pole not the entire span of said parcel.  
12 Since they disconnected the electricity over the  
13 entire span of said parcel proves that they were  
14 devising a scheme to cover up the fact that they did  
15 not have a right of way on the southerly portion of  
16 said parcel. This meant that they now had to build  
17 new lines around the property to reconnect the  
18 railroad signal. MEC would have the courts believe  
19 that the unsafe conditions were extreme due to the  
20 structure. The fact is Movants provided a solution  
21 to that problem by MEC installing one pole and  
22 leaving the lines to comply with their claim  
23 distance violation. This would have prevented the  
24 need to build a new high voltage transmission line  
25 and disconnect Movants' electricity and the right of  
26 way issue could have been addressed at a later date.

27 17. MEC's attorneys make claims that the high voltage  
28 transmission lines were too close to the top of the  
29 structure. To this date no conformation of a safety  
30 violation has been confirmed. MEC's attorneys only  
31 refer to the National Electric Safety Codes. They  
32 make claims that the distance of the lines to the

1 top of the structure was a safety issue. Neither the  
2 distance nor the code has been presented in the  
3 pleading. This is true evidence that MEC and its  
4 attorneys have created a scheme to support their  
5 actions to disconnect the Movants' electricity and  
6 reroute and build a new high voltage transmission  
7 line around said parcel. MEC's attorneys claim that  
8 Movants were responsible to pay for MEC's actions  
9 regarding the construction of new lines.

10 18. Movants have spent their entire saving of over a  
11 \$100,000 in legal fees and over 5 years of their  
12 lives in an effort to get their electricity  
13 reinstated.

14 19. MEC's attorneys have presented numerous claims,  
15 continue to refuse to reinstate Movants' electricity  
16 and to file the needed applications with the Arizona  
17 Corporation Commission to remove the unsafe lines it  
18 is no longer using that are still located on said  
19 parcel.

#### 20 **ORDER**

21 The order from this court to the Administrative Staff of  
22 the Arizona Corporation Commission will reduce court costs. The  
23 reason for such an order is based on the following.

- 24 1. This order protects the rights of the Arizona State  
25 Legislature and the Common Law or Substantive Law  
26 mentioned in Article 2 Section 3 of the Arizona  
27 Constitution.
- 28 2. It brings it to the attention of the Administrative  
29 Staff of the Arizona Corporation Commission that  
30 Substantive Law is the Supreme Law of the Land.
- 31 3. It causes the Board of Directors and the Chantels  
32 to face one another and find a way to reinstate the



1 Chantel's electricity, and find a way to remove the  
2 unsafe poles. It is Movants' belief that the Board  
3 Members of MEC and the Chantels would like to  
4 resolve the issue.

5 4. The U.S Bankruptcy Trustee investigation under 18  
6 USC Section 157 would have to proceed to a full  
7 hearing status of law. The issuance of this order  
8 could prevent the attorneys in this case from  
9 becoming subject to fines and a five year jail  
10 term.

11 5. It truly appears that if the court would issue this  
12 order it would reduce a number of court proceedings  
13 and help restore some faith back into the legal  
14 system.

15  
16 **THE COURT CAN CHOOSE NOT TO ISSUE THIS ORDER**

17 Results probley will be:

- 18 1. This court will be involved in hearings on issues of  
19 granting the debtors' discharge of debt.  
20 2. This court will be involved in hearings to not  
21 discharge the debtors' debt.  
22 3. This court will be involved in hearings on issues in  
23 18 USC Section 157.  
24

25 THEREFORE, a prayer has been sent to the Supreme Power that  
26 this court will protect Common Law/Substantive Law and will  
27 issue this order.

28  
29 Dated the 11<sup>th</sup> of December of  
30 2013

31   
32 Roger Chantel

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[illegible][illegible][illegible][illegible]

## ORDER

IT IS FRUTHER ORDERED that failure to issue and enforce said order is contempt of this Court.

JUDGE OF SAID COURT

1 Dustin Roger Chantel and  
2 Elizabeth Chantel  
3 10001 E. Hwy. 66  
Kingman, Az. 86401  
Telephone (928)757-9755

5  
6 **IN THE UNITED STATES BANKRUPTCY COURT**  
7 **FOR THE DISTRICT OF ARIZONA**

8 DUSTIN ROGER CHANTEL,  
9 ELIZABETH CHANTEL,

10  
11 Movants,

12  
13 MOHAVE ELECTRIC COOPERATIVE,  
14 and FEDERATED RURAL ELECTRIC  
INSURANCE EXCHANGE, INC

15 Plaintiff,

16 vs.

17  
18 DUSTIN ROGER CHANTEL,  
19 ELIZABETH DARLENE CHANTEL,

20 Defendants.  
21

) In Chapter 7 Proceedings

) Case No.: 0:13-BK-11909-EPB

) MOTION FOR RELIEF AND ISSUANCE  
OF ORDER

) Adversary No. 0:13-ap-01267-EPB

22 The Movants, Dustin Roger Chantel and Elizabeth Darlene  
23 Chantel hereby move this court to issue an order enforcement of  
24 Arizona Revised Statutes R14-2-202(B)(1), (2), R14-2-208(A)(1) and  
25 (F)(1), and R14-2-211(A)(5)(6).

26 I. JURISDICTION AND VENUE

27 The court has jurisdiction to hear and issue orders  
28 pursuant to 28 U.S.C. 157 and 1334. Venue is proper in  
29 this district pursuant to 28 U.S.C, the Arizona State  
30 Constitution Article 2, "Supreme Law of the Land"  
31 Section 3 "The Constitution of the United States is the  
32 Supreme Law of the Land." Arizona founding documents

1 grants the United States Federal Courts to proceed in  
2 matters that have freely been brought to the United State  
3 Federal Courts.

4 **II. PARTIES**

5 1. Dustin Roger Chantel and Elizabeth Darlene Chantel,  
6 Debtors in a Chapter 7 bankruptcy and Complainants  
7 in a pleading in Arizona Corporation Commission  
8 Docket No. E-01750A-09-0149.

9 2. Mohave Electric Cooperative, ("MEC") a public service  
10 corporation that provides electricity to citizens in  
11 the State of Arizona and governed by federal laws,  
12 such as the National Electric Safety Codes and  
13 other federal laws, rules and regulations, as well  
14 as laws and rules of the State of Arizona.

15 3. MEC has an exclusive right to provide electricity to  
16 an area that has been created by rules and  
17 regulations governed under a public identity known  
18 as the Arizona Corporation Commission. The Movants  
19 have no other choice of a electric company from who  
20 they can receive electricity.

21 4. In 2001 the Movants requested that MEC provide  
22 electricity to the residence located on Assessor  
23 Parcel Number 313-11-006, located in Mohave County  
24 in the State of Arizona. MEC claimed that they could  
25 not provide electricity to the Movants until they  
26 signed documents of membership and paid a few. MEC  
27 requested that they be granted a 16 foot service  
28 right of way to hook electrical power to the  
29 residence. The Movants complied with MEC's request  
30 and signed a 16 foot service right of way that is  
31 recorded in Mohave County in instrument No. 2001-  
32 010401 (Book 3662, Page 517).

- 1           5. The parcel known by 313-11-006 is referred to as an  
2           approximately ten acre parcel of which the County of  
3           Mohave charges taxes on. This parcel includes road  
4           rights of ways, governmental requirements of  
5           setbacks, wash required setbacks, entrance right of  
6           ways and other government rules and regulations that  
7           reduce the actual use of said parcel down to a few  
8           thousand square feet of real usage.
- 9           6. In 2005 the Movants were considering placing a  
10          structure on this parcel. MEC, the Movants'  
11          electricity supplier, had high voltage transmission  
12          lines running over the southern portion of said  
13          parcel. Out of respect for MEC, the Movants  
14          contacted MEC and ask them to give a complete  
15          footage description of the right of way that their  
16          high voltage transmission lines were located in.
- 17          7. The Movants sent a number of letters to MEC in an  
18          effort to try and find out the location of the high  
19          voltage transmission line right of way. Sometime in  
20          2006 a representative of MEC contacted the Movants  
21          and stated that if they wanted MEC's poles moved,  
22          they would have to pay to have them moved. The  
23          Movants' could not understand why MEC's personnel  
24          should be so hostile.
- 25          8. The Movants decided to spend their own money to get  
26          a determination of the right of way that these high  
27          voltage transmission lines were located on. They  
28          paid a title company to do a right of way search on  
29          said parcel. The only right of way that existed was  
30          road right of ways and the small 16 foot service  
31          right of way that Movants granted in 2001.
- 32

1 9. The Movants determined the reason MEC's personnel  
2 was so hostile was because MEC knew they did not  
3 have a recorded right of way where their high  
4 voltage transmission lines were located. The Movants  
5 have had unfavorable dealings with MEC in the past.  
6 The Movants did not know what to do about the fact  
7 that there was no recorded right of way that would  
8 restrict the usage of said parcel.

9 10. The Movants are great believers in Divine  
10 Intelligence. They consulted this power and asked  
11 for direction as how to proceed. The response given  
12 from Divine Intelligence was don't deal with them.  
13 Movants communicated and asked what they could do to  
14 protect the parcel and themselves from the unsafe  
15 conditions. After a period of time it was revealed  
16 that the Movants could gain some relief from the  
17 unsafe conditions by building a structure, so if the  
18 poles were to fall, the lines would fall upon the  
19 structure and not the ground. Movants had no idea as  
20 to what kind of structure should be built or where  
21 it should be build. As time went on the location and  
22 the design, the type of building materials and the  
23 location was revealed.

24 11. This structure is very unique in design and the  
25 use of materials. The design is round so as to hold  
26 the weight of the high voltage transmission lines if  
27 the poles were to fall. The materials used would  
28 prevent electricity from harming people and contents  
29 inside of the building if these high voltage power  
30 lines were to fall. The location of the structure  
31 appeared to prevent a whiplash of these power lines  
32 from reaching cars on Hwy. 66 and from damaging

1 material item and other structures located on the  
2 said parcel.

3 12. MEC made a large number of claims about this  
4 structure, such as their power lines being too close  
5 to the top of this structure, structure being built  
6 without a permit, the structure was not a normal  
7 building. These are just a few claims against the  
8 Movants.

9 13. After a period of time Movants noticed that one  
10 of the poles on the parcel was showing dangerous  
11 signs of stress, because the distance between the  
12 two poles were approximately twice the distance  
13 allowed by present day standards in the National  
14 Safety Electric Codes and A.A.C. R14-208 (A)(1) and  
15 (F)(1). It is not clear when MEC was first informed  
16 about the safety issue, but the fact is they have  
17 been aware of this issue for over 5 years and to  
18 this date have not made any effort to correct  
19 Movants' concerns.

20 14. Movants have found that it is next to impossible  
21 to deal with MEC and when things were brought to  
22 their attention they always seemed to take a hostile  
23 approach and did not want to talk about any issues.

24 15. Movants made efforts to address MEC's major  
25 concerns. One of the concerns was there was no  
26 permit issued. The Movants applied for a permit, but  
27 was informed that there was a right of way issue and  
28 the court would need to document a right of way for  
29 the high voltage transmission lines that existed on  
30 the parcel before a permit could be issued.  
31  
32

1 16. After a number of visits by MEC and County  
2 Personnel it became clear that some type of scheme  
3 was being developed by MEC's legal representatives.  
4 The scheme was to get Mohave County to issue a  
5 disconnection to the residence. The scheme really  
6 became present when MEC performed the electricity  
7 disconnection, which was from the west end of the  
8 parcel to the east end of the parcel. If MEC was  
9 intending to follow the County's disconnection order  
10 they would have disconnected the electricity at the  
11 service pole not the entire span of said parcel.  
12 Since they disconnected the electricity over the  
13 entire span of said parcel proves that they were  
14 devising a scheme to cover up the fact that they did  
15 not have a right of way on the southerly portion of  
16 said parcel. This meant that they now had to build  
17 new lines around the property to reconnect the  
18 railroad signal. MEC would have the courts believe  
19 that the unsafe conditions were extreme due to the  
20 structure. The fact is Movants provided a solution  
21 to that problem by MEC installing one pole and  
22 leaving the lines to comply with their claim  
23 distance violation. This would have prevented the  
24 need to build a new high voltage transmission line  
25 and disconnect Movants' electricity and the right of  
26 way issue could have been addressed at a later date.

27 17. MEC's attorneys make claims that the high voltage  
28 transmission lines were too close to the top of the  
29 structure. To this date no conformation of a safety  
30 violation has been confirmed. MEC's attorneys only  
31 refer to the National Electric Safety Codes. They  
32 make claims that the distance of the lines to the



1 top of the structure was a safety issue. Neither the  
2 distance nor the code has been presented in the  
3 pleading. This is true evidence that MEC and its  
4 attorneys have created a scheme to support their  
5 actions to disconnect the Movants' electricity and  
6 reroute and build a new high voltage transmission  
7 line around said parcel. MEC's attorneys claim that  
8 Movants were responsible to pay for MEC's actions  
9 regarding the construction of new lines.

10 18. Movants have spent their entire saving of over a  
11 \$100,000 in legal fees and over 5 years of their  
12 lives in an effort to get their electricity  
13 reinstated.

14 19. MEC's attorneys have presented numerous claims,  
15 continue to refuse to reinstate Movants' electricity  
16 and to file the needed applications with the Arizona  
17 Corporation Commission to remove the unsafe lines it  
18 is no longer using that are still located on said  
19 parcel.

#### 20 ORDER

21 The order from this court to the Administrative Staff of  
22 the Arizona Corporation Commission will reduce court costs. The  
23 reason for such an order is based on the following.

- 24 1. This order protects the rights of the Arizona State  
25 Legislature and the Common Law or Substantive Law  
26 mentioned in Article 2 Section 3 of the Arizona  
27 Constitution.
- 28 2. It brings it to the attention of the Administrative  
29 Staff of the Arizona Corporation Commission that  
30 Substantive Law is the Supreme Law of the Land.
- 31 3. It causes the Board of Directors and the Chantels  
32 to face one another and find a way to reinstate the

1 Chantel's electricity, and find a way to remove the  
2 unsafe poles. It is Movants' belief that the Board  
3 Members of MEC and the Chantels would like to  
4 resolve the issue.

5 4. The U.S Bankruptcy Trustee investigation under 18  
6 USC Section 157 would have to proceed to a full  
7 hearing status of law. The issuance of this order  
8 could prevent the attorneys in this case from  
9 becoming subject to fines and a five year jail  
10 term.

11 5. It truly appears that if the court would issue this  
12 order it would reduce a number of court proceedings  
13 and help restore some faith back into the legal  
14 system.

15  
16 **THE COURT CAN CHOOSE NOT TO ISSUE THIS ORDER**

17 Results probley will be:

- 18 1. This court will be involved in hearings on issues of  
19 granting the debtors' discharge of debt.  
20 2. This court will be involved in hearings to not  
21 discharge the debtors' debt.  
22 3. This court will be involved in hearings on issues in  
23 18 USC Section 157.

24  
25 THEREFORE, a prayer has been sent to the Supreme Power that  
26 this court will protect Common Law/Substantive Law and will  
27 issue this order.

28  
29 Dated the 11<sup>th</sup> of December of  
30 2013

31   
32 Roger Chantel

[illegible]

Defendants.

## ORDER

IT IS FRUTHER ORDERED that failure to issue and enforce said order is contempt of this Court.

Dated \_\_\_\_\_

JUDGE OF SAID COURT